

C O N F I D E N T I A L SECTION 01 OF 03 GUATEMALA 002550

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SUBJECT: ELECTION UPDATE: OAS CRITICIZES ELECTORAL VIOLENCE; BERGER MAINTAINS LEAD IN POLLS

Classified By: PolCouns David Lindwall for reason 1.5 (b) and (d).

**11. (C) Summary:** The OAS Electoral Observation Mission (EOM) issued its second report, criticizing the GOG's failure to investigate and prosecute electoral violence, especially the murders of political activists and the violent FRG protests of July. On October 1, the OAS EOM opened offices in seven provinces. Ten parties joined together to criticize recently published polls which show them trailing the GANA coalition, and in some cases the FRG. The ex-PAC continue to protest against Rios Montt holding rallies in their communities. Every party has its own poll, though all the polls, including the FRG's, put Oscar Berger ahead. FRG candidate for Mayor of Guatemala City Rabbe was disqualified by the Registry of Citizens, setting off another legal battle which could force the FRG out of the race for Mayor of the capital. Berger's chief of staff told us that there is a chance Berger will win on the first round, but a greater chance that he will face off against Rios Montt or Colom in a second round. GANA does not believe electoral fraud will be significant. The Ambassador received assurances from the FRG that they will respect the outcome of the election, even if unfavorable. end summary.

OAS calls on GOG to investigate electoral violence

**12. (C)** Former President Valentin Paniagua, head of the OAS Electoral Observation Mission, gave reporters a copy of the second OAS EOM report on September 29, in which the OAS criticizes the lack of investigation and prosecution of cases of possible electoral violence. The report notes that 20 political party activists have been murdered since the convocation of elections in May, and that none of the cases has been successfully investigated, much less prosecuted, by the GOG. It goes on to say that no legal action has been taken against any of the participants in the violent protests organized by the FRG on July 24-25 in which one reporter died, several people were injured and property was destroyed.

In a closed conversation with the Ambassadors of the Donor Dialogue Group, made up of representatives of donor nations and international organizations, the OAS EOM representative said that their preliminary investigations suggest that most of the 20 murders were not politically related -- half of them are of ANN party members from Chiquimula who are believed to have been killed in a fight between rival organized crime gangs; two of the murders are of PAN candidates that even the PAN have told us were not politically motivated; and at least two of the murders of UNE activists are clearly attributed to common crime. MINUGUA confirmed that their analysis of the 20 murders coincides with that of the OAS. There is little doubt that some of the murders were politically motivated, however, and the lack of investigation and prosecution of any of the cases creates the perception that the GOG is tolerating political violence.

**13. (U)** The OAS EOM has brought the first contingent of foreign observers into the country and has announced that it will open offices in the Departments of Coban, Zacapa, Peten, Quezaltenango, Solola, Huehuetenango and Quiche by October 1. They announced that they would have 100 observers blanketing the country on election day. The Embassy meets several times a week with the OAS EOM, and will be providing a security briefing for its members on October 2, at the OAS's request.

**14. (C)** The OAS and MINUGUA have both issued statements calling for greater political tolerance, after mobs of former civil patrol members, who argue the FRG did not comply with its commitment to compensate all of them for the service during the internal conflict, have created disturbances at some of Rios Montt's campaign rallies in the countryside. Groups of angry ex-PACs threatened a Rios Montt rally in Nebaj (Quiche), kept the General from campaigning in two towns in San Marcos, and have threatened to disrupt his rallies in other areas, including the town of Chicacao, where the former PAC's burned the municipal building in June. The GOG's decision in late September to assign 70 million Quetzales (roughly \$9 million) to Peten ex-PAC leader Rosenda Perez (for economic development programs in the Peten) infuriated other PAC leaders, and has led to renewed threats to disrupt his campaign rallies. MINUGUA Chief Tom Koenigs told the Donor Dialogue Group that, despite his personal antipathy for Rios Montt, he believes that it is important that MINUGUA oppose all political intolerance, noting that if the FRG were keeping other candidates from holding campaign rallies as has happened to them, the whole international

community would be outraged.

Every party has its own poll

15. (U) Ten presidential candidates representing the smaller parties competing in the election (all but the FRG and GANA) held a news conference in late September to complain that the polls that are appearing in the press intentionally underestimate their support, and argued that this is a strategy to favor the GANA and FRG candidates who have more influence with segments of the media. In response, one daily (Siglo XXI) printed the "polls" of the PAN, UNE and Unionista parties on October 1. Their results did not differ greatly from the professional polls on the percentage of the vote that Berger, Rios Montt and Colom would get, but each placed their own candidate significantly higher than other polls, giving them a big portion of the undecided vote. Following are the results:

-	UNE poll	PAN poll	Unionista poll
Berger - GANA	37%	27%	35%
Colom - UNE	22	20	14
Rios Montt - FRG	12	13	10
Lopez - PAN	7	18	7
Garcia - Unionista	6	8	13

16. (U) The San Carlos University (public) and Rafael Landivar University (Jesuit) polled their students in September regarding their presidential preferences. Radio Sonora also polled its public in September. These are "user" polls, and are not intended to be scientific samples. We list the latest Prensa Libre poll (which purports to be from a scientific sample) for comparison. Following are the results of these polls:

-	Prensa Libre	Radio Sonora	USAC	URL
Berger - GANA	38%	67%	35%	67%
Colom - UNE	18	16	22	15
Rios Montt - FRG	11	8	4	2
Lopez - PAN	5	7	7	2
Garcia - Unionista	3	1	8	5

17. (C) President Portillo told Ambassador Hamilton in early September that the FRG's polls showed Berger ahead with 32%, but followed closely by Rios Montt with 23%. The FRG is tight lipped with us about their polling numbers, saying (disingenuously, in our view) only that they are confident they will win overwhelmingly in the first round.

Will the FRG accept defeat?

18. (C) The violent FRG-led protests of July 24-25 generated concerns that the FRG is prepared to use violence if they are not pleased with the electoral outcome. With all polls, including the FRG's, showing Rios Montt significantly behind Berger with only five weeks left in the election, there is a possibility that the FRG will not make it into the second round, and a very serious possibility that they will ultimately lose the election to Berger even if they do make it into the second round. The Ambassador raised concerns about potential FRG refusal to accept the election results with Ambassador Antonio Arenales (FRG insider and congressional candidate) and Acting First Vice President of Congress Zury Rios on September 27. Both assured him that the FRG will be respectful of the electoral outcome. Congresswoman Rios is seeking meetings in the Department on October 14 to discuss the FRG's vision of the electoral process, among other things.

FRG Mayoral candidate disqualified to run

19. (SBU) In late September the Registry of Citizens determined that the candidacy of Luis Rabbe for Mayor of Guatemala City, representing the FRG, was not valid, as he was selected by the FRG's National Convention, and not by the FRG's Municipal Convention, as required by the electoral law. The FRG quickly filed an appeal, arguing that in the 1999 election Rabbe had similarly been selected by the National Convention, and the Registry of Citizens had not objected. The Registry of Citizens responded that two wrongs don't make a right. The appeal is being considered by the Supreme Electoral Tribunal, and could ultimately be appealed to the Constitutional Court. With time fast running out, it is possible the FRG will not be on the mayoral ballot for Guatemala City. FRG leaders have not responded publicly in defense of Rabbe, leading many of our contacts to conclude that the FRG may not be upset over Rabbe's troubles. August polls placed him in fourth place for the mayoralty with 7% of the vote, behind Alvaro Arzu with 40%.

GANA rules out significant fraud

10. (C) The Ambassador met with Eduardo Gonzalez, Campaign Chairman for GANA candidate Oscar Berger, on October 1.

Gonzalez said that they just received a new poll which shows GANA candidate Berger sustaining his high levels of support in the final stretch of the campaign. Gonzalez said there is a small chance that Berger could win in the first round, but said there is a much greater likelihood that Berger will have to face Rios Montt or Colom in a second round. The poll results for Colom and Rios Montt are too close to speculate on which has a better chance, he commented, adding that GANA leaders do not believe fraud on election day will be significant. He also opined that the intense international scrutiny being given to this campaign would make it difficult for the FRG to dispute the election results in the event they are defeated. Gonzalez will be in Washington on October 9-10, and is requesting a meeting with WHA DAS Fisk to discuss the elections and bilateral relations in the event Berger wins.

¶11. (C) The Ambassador asked Gonzalez if GANA had the kind of communication with the FRG it needed to avoid violence and unproductive confrontations, offering the neutral ground of the Ambassador's Residence and our good offices for meetings between the two sides, if they could be useful to defuse tensions. Gonzalez expressed appreciation for the offer, and said he would definitely keep it in mind. He stated that there is not a lot of contact between the two sides, but at this time, the GANA prefers to keep it low key as anyone who meets with the FRG would automatically become suspect in the public's eyes. He commented, however, that tensions could rise at any time (as they did in July), and that having the option of a neutral ground to meet with the FRG was important. The Ambassador had earlier made a similar offer to Zury Rios, who responded similarly that it was an important offer to be able to draw on if the situation in the future should warrant it.

Comment

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¶12. (C) Local concerns about electoral fraud have diminished significantly in recent weeks, after an aggressive Embassy campaign to publicize the secrecy of the vote and the guarantees in place. The OAS EOM has also been effective in showing that it is prepared to take on the government (and the FRG) on issues of electoral violence. The permanent presence of the OAS in the countryside, beginning October 1, will also have a calming effect at the provincial level. The "concern of the day" among our Guatemalan contacts has become the fear that the FRG will not respect the outcome of the election. We have received assurances from the FRG that they will respect the outcome, and will continue to raise this matter in all meetings with the FRG.

HAMILTON